

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**F039751      People v. Recio**

The judgment is affirmed. Wiseman, J.

We concur: Harris, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F039900      Torigian, et al. v. Michael Cadillac, Inc.**

The judgment is affirmed. Wiseman, J.

We concur: Harris, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F039440      Keel v. California Department**

The judgment is reversed and the trial court is directed to strike its orders granting summary judgment and dismissing the action for failure to appear at trial. The matter is remanded to the trial court for further proceedings not inconsistent with this opinion. Costs on appeal are award to appellant. Gomes, J.

We concur: Vartabedian, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F040314      In re the Marriage of ELIZABETH and RONNIE A. SHIFLETT**

The order denying appellant's motion to set aside the default, default judgment and marital settlement agreement is affirmed. Costs are awarded to respondent. Respondent's request for sanctions for the filing of a frivolous appeal is denied. Wiseman, J.

We concur: Harris, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F040952      People v. Soeun**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F040952      People v. Soeun**

The case is remanded with instructions to the trial court to strike the section 12022.53, subdivision (c) enhancement in count one, to strike the section 12022, subdivision (a) arming enhancement alleged in count four, and to recalculate Soeun's actual custody credits pursuant to the Buckhalter case. The court shall prepare a corrected abstract of judgment reflecting these changes and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F042402      People v. Mendez**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.